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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,359

Applicant(s)

FUJITA, ICHIRO

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-23 have been examined.

Response to Amendment

2. The Amendment filed on 1/4/06 is insufficient to overcome the prior rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 states that the user is logged-in. Then, Claim 21 states, in the features added on 1/4/06, that the user is not logged-in. The Claim 21 has not clearly stated how the user is not logged-in when the user has priorly been logged-in. Claim 21 must be rewritten or broken into separate claims in order to make sense.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould (6,693,236) in view of Perkowski (6,625,581) in view of Gardenswartz (6,055,573).

Claims 21-23:

Gould discloses providing to the user a list of user owned products or items:

“(11) The present invention provides a system method and apparatus for allowing a computer user to maintain an inventory of goods or services in an organization which is customized to the user's individual needs. The organized items include both those items owned by the user and those which need to be purchased, and the user is provided with an indication of which items fall into which category, allowing the user to easily determine which items remain to be purchased. Purchase can be made directly by selecting the needed item without requiring the user to compile a list of items and without visiting different vendors to purchase all needed items (col 2, lines 48-60);

(12) More particularly, the invention includes a user interface which displays a plurality of category icons each of which represents a user defined grouping of items. These items and groupings are organized in any manner designed by the user. Selecting one of the category icons causes the items within that group to be displayed with an associated status icon. The status icon associated with each item indicates to the user whether the item is currently owned by and available to the user, whether it needs to be purchased, or whether it has been purchased but has not yet been received (col 2, line 60-col 3, line 5);

(17) This dealer supplied list 504 could include all inventory in that category or a filtered subset thereof. From this list, the user can contract the list to show just those items which are already owned by the user, only those which are not owned or some user defined combination

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thereof. Therefore, upon receiving the filled list from the music dealer, the user can, upon a simple inspection of the status icons 504, determine whether he or she already owns each of the items suggested by the dealer. The user can then select an un-owned title 504, listen to a sample of the music, and, if desired, purchase the title 504” (col 6, lines 44-55).

Gould discloses providing Item information on items not yet owned and on items owned:

“(13) The item window can include information such as price, availability, size, graphics, etc. The purchase mechanism can be in the form of a button which the user can select to initiate an on-line purchase. The selection of vendors can be preprogrammed, determined in real time, or can be by default, however, the system automatically determines which stores supply the item and provides a link to only those stores (col 3, lines 7-15);

(16) In yet another embodiment of the invention, the user interface allows a user to easily manage vehicle maintenance. Each vehicle owned by the user is provided with its own icon, selection of which will provide the user with information regarding the maintenance schedule of that vehicle. The system keeps track of maintenance already performed and alerts the user when maintenance is due. The system also provides the user with a selection of service stations from which such service can be provided and also provides the user with links to the service station to schedule such maintenance” (col 3, lines 40-54).

Gould discloses informing vendors of user information related to items and information related to item purchasing and needed items:

“(6) In a step 310, the software automatically searches for on-line vendors from among the agents 14 (FIG. 2) which can provided the item, preferably focussing on certain user preferred vendors 312. Then, in a step 314, the user purchases the item. In a step 316, the user

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checks the software to determine whether additional items remain to be purchased. If so then the user returns to step 308, if not then the user is done (col 4, lines 60-67);

(17) Similarly, with reference to FIG. 5, the user can send one of his embedded list titles 508 to a music dealer as an empty list with a request to fill the lists with titles matching those categories. The music dealer can then fill the user's embedded list 502 with a list 504 that matches the user's categorization. This dealer supplied list 504 could include all inventory in that category or a filtered subset thereof. From this list, the user can contract the list to show just those items which are already owned by the user, only those which are not owned or some user defined combination thereof. Therefore, upon receiving the filled list from the music dealer, the user can, upon a simple inspection of the status icons 504, determine whether he or she already owns each of the items suggested by the dealer. The user can then select an un-owned title 504, listen to a sample of the music, and, if desired, purchase the title 504" (col 6, lines 38-55).

Notice in Gould that the listing of user owned products is automatically provided for the particular user and that the users is not required to enter data on a product in order to obtain more information on that product. Also, notice in Gould that while Gould discloses providing additional product information (above) that Gould's displaying of products owned by the user including the product name is displaying product information on products owned by the user (Fig. 6, Fig. 7; Fig. 8). Also, notice that Gould discloses providing further product information on products owned by a user (Fig. 8, item 816, 'schedule'; Fig. 8, item 812, 'Maintenance History').

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Also, notice throughout Gould that Gould's user is uniquely identified because of the disclosure of listings of owned products/items for a particular user. Also, Gould discloses that the user can have a particular account:

“(24) It will be appreciated that the activity of purchasing each item can be done directly from the user interface each time an item is used up. The purchases can be tallied in an account (not shown) which can be checked at any time to determine the amount charged” (col 8, lines 5-10).

Additionally, Perkowski discloses building detailed profiles of buyers (col 33, lines 24-30); maintaining customer communication before and after purchase, including being able to provide product information to a customer (col 2, lines 27-45); and that manufacturers continue to communicate with buyers after purchase in order to increase the chance of future sales and that the communication includes providing product related information (col 104, lines 20-41).

Perkowski further discloses that both manufacturers, retailers, or advertisers maintain communications with consumer after purchase (col 5, lines 15-25).

Perkowski discloses providing various product related information:

“Such information resources can include advertisements, specifications, operation descriptions, product simulations, purchase information, maintenance information, warranty and servicing information, product updates, distributor/reseller information, incentives (e.g. discounts, rebates, coupons, etc.), electronic data transaction screens, etc.” (col 95, lines 28-36),
and,

“CYBER-SERVICE.TM., accessible through a particular UPC REQUEST.TM. Retail Website or the UPC REQUEST.TM. Central Website, enables consumers at home, in the

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office, on the road, and in retail stores, to quickly access particular types of product-related information which have been published on the WWW by registered manufacturers, their agents and others about consumer products registered with the UPC REQUES.TM. Database Management System. CYBER-SERVICET.TM. displays such product-related information in a menu-like format organized by particular information types (e.g., Product Advertisements, Product Endorsements, Product Reviews, Product Rebates and Incentives, Product Description, Product Manual/Instructions, Product Updates (at FTP Sites), Product Returns, Warranty and Repair Service, Direct Product Purchase, Retailers, Wholesalers, Complementary Products, Company Annual Report, Stock Purchase, etc.). Each displayed information menu associated with a consumer product contains hyper-linked URLs pointing to HTML-documents containing particular types of product-related information linked to the product by the manufacturer or its agent" (col 101, lines 10-32).

Also, the 'to select a processing and' of claim 21 is broad and can be interpreted in many ways. Also, the user in Perkowski selects a product (Fig 3a2; Fig. 1a1; Fig. 4m2) and also logs in (Fig. 4o1, item 'My Account'; Fig. 4T1, item 'Log On'). Perkowski discloses displaying a listing of products (Fig. 4a2). Perkowski discloses building profiles of users as buyers and displaying a list of products to a user that match a user profile (col 33, lines 25-30).

Additionally, Gardenswartz discloses a user information providing unit for providing user information to advertisers, retailers, stores, chain, wholesaler of the products owned by users based on the user attribute information and user-owned product information (Fig. 1; Fig. 2a; Fig. 2b; Fig. 5; col 5, line 60-col 6, line 5). Also, Gardenswartz discloses tracking all purchases made by a particular customer (col 15, lines 60-65; col 6, lines 19-25).

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Gardenswartz discloses the user logging in and being uniquely identified:

“In this embodiment, the value contracts may be Internet banners which are automatically sent to the consumer's computer by a Web server upon recognizing the consumer's computer or upon the consumer's entry of a password, for example” (col 15, lined 45-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Perkowski's further product information and Perkowski's and Gardenswartz's further communications between the manufacturer/vendor and the targeted/user of interest and Perkowski's and Gardenswartz's further features with a user with a login/account to Gould's features for maintaining and providing a listing of user owned products, providing further product information, and informing a manufacturer/vendor of user information related to products. One would have been motivated to do this in order to better provide users with information on products of interest.

Hence, the combination of Gould, Perkowski, and Gardenswartz renders obvious the Applicant's claimed features of:

“automatically extracting... user-owned product information of said user from said user information storage unit based on the log-in information of the user, displaying a list of user-owned products of said user... based on said automatically extracted user-owned product information...” (claim 21) and

“providing the user with product information related to the user-owned product without requiring the user to enter data of the user-owned product and providing a manufacturer of the user-owned product with user information based on the linkage” (claim 22).

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Additionally, Gould further discloses a user browsing and shopping (Fig. 1 and Fig. 3).

Gould does not explicitly disclose that the user logs in.

However, Perkowski further discloses providing information without a login and also requiring a login or other user information if the user is making a purchase or contracting (Fig. 4q1, 'ebay', 'Browse', 'Sell', 'my_ebay', 'Register', 'How do I bid?'; Fig. 4r1; Fig. 4r2). Notice in these figures of the ebay website that the user can browse without having to enter a login, the user can be presented the option to register or to login, and the user can be presented the options to contract, bid, sell, purchase, etc.

Also, Perkowski discloses, in regards to claim 23, maintaining information concerning the categories/subcategories/parts/components related to a product (col 4, lines 55-col 5, line 4; Fig. 4a2; Fig. 4a1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Perkowski's user being able to obtain information without logging in or to contract/purchase by logging in and Perkowski's further product information to Gould's user browsing, shopping, buying, and obtaining product information. One would have been motivated to do this in order to better allow a user to obtain product information and better identify a user who makes a purchase so that the goods/services purchased can be provided to the user.

Response to Arguments

Applicant's arguments with respect to claims 21-23 have been considered but are not found persuasive. Please particularly note the section added above in the rejection of the Independent

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claims that starts with, "Additionally, Gould further discloses a user browsing and shopping. . .", thru to the rejection of the independent claims.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Newman (5,665,951) discloses maintaining a listing of user owned products and communicating between a vendor/manufacturer and a user;

Roberts (6,101,486) discloses maintaining a listing of user owned products:

"(23) A comparison between the customer profile and the company database is performed to create a listing of products or services not currently owned or used by the customer (Step 440). Preferably, the customer profile includes a listing of services and products

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currently possessed by the customer. This first comparison generates a product list that includes products within the company's database that are not currently owned by the customer and of potential interest to the customer. Any information or advertisement for previously purchased products would be a duplication, and therefore of little use to the customer. Likewise, if a customer has already purchased a particular product from the company, the comparison would identify products and services that could operate in conjunction with, or offer improvements over, the customer's current inventory of products and services.”

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Primary Examiner
1/27/2006